



7555-01-P

NATIONAL SCIENCE FOUNDATION

Emergency Clearance; Public Information Collection Requirements Submitted to the Office of Management and Budget; Confidentiality Pledge Revision Notice

AGENCY: National Science Foundation.

ACTION: Emergency Clearance: Submission for OMB Review; Notice of Revision of Confidentiality Pledges under the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA).

SUMMARY: Under 44 U.S.C. 3506(e), and 44 U.S.C. 3501, the National Science Foundation (NSF) is announcing a revision to the confidentiality pledge it provides to its respondents under CIPSEA, the NSF Act of 1950, as amended, and the Privacy Act of 1974. These revisions are required by the passage and implementation of provisions of the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223), which permit and require the Secretary for the Department of Homeland Security (DHS) to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. More details on this announcement are presented in the SUPPLEMENTARY INFORMATION section below.

DATES: This revision becomes effective upon publication of this notice in the **Federal Register**. In a separate **Federal Register** notice, NSF is seeking public comment on this confidentiality pledge revision.

FOR ADDITIONAL INFORMATION OR COMMENTS: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite

1265, Arlington, Virginia 22230; telephone (703) 292-7556; or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. The overwhelming majority of Federal surveys are conducted on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether to provide the requested information. Many of the most valuable Federal statistics come from surveys that ask for highly sensitive information such as proprietary business data from companies or particularly personal information or practices from individuals. Strong and trusted confidentiality and exclusively statistical use pledges under the CIPSEA and similar statistical confidentiality pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies.

Under the CIPSEA and similar statistical confidentiality protection statutes, many Federal statistical agencies make statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their sworn agents, and will be used only for statistical purposes. The CIPSEA and similar statutes protect the confidentiality of information that agencies collect solely for statistical purposes and under a pledge of confidentiality. These Acts protect such statistical information from

administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from many legal processes. Moreover, statutes like the CIPSEA carry criminal penalties of a Class E felony (fines up to \$250,000, or up to five years in prison, or both) for conviction of a knowing and willful unauthorized disclosure of covered information.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 signed on December 17, 2015, the Congress enacted the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223). This Act, among other provisions, requires the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The DHS cybersecurity program's objective is to protect Federal civilian information systems from malicious malware attacks. The Federal statistical system's objective is to ensure that the DHS Secretary performs those essential duties in a manner that honors the Government's statutory promises to the public to protect their confidential data. Given that the DHS is not a Federal statistical agency, both DHS and the Federal statistical system have been successfully engaged in finding a way to balance both objectives and achieve these mutually reinforcing objectives.

As required by passage of the Federal Cybersecurity Enhancement Act of 2015, the Federal statistical community will implement DHS' cybersecurity protection program, called Einstein.

The technology currently used to provide this protection against cyber malware electronically searches Internet traffic in and out of Federal civilian agencies in real time

for malware signatures. When such a signature is found, the Internet packets that contain the malware signature are shunted aside for further inspection by DHS personnel. Because it is possible that such packets entering or leaving a statistical agency's information technology system may contain confidential statistical data, statistical agencies can no longer promise their respondents that their responses will be seen only by statistical agency personnel or their sworn agents. However, they can promise, in accordance with provisions of the Federal Cybersecurity Enhancement Act of 2015, that such monitoring can be used only to protect information and information systems from cybersecurity risks, thereby, in effect, providing stronger protection to the security and integrity of the respondents' submissions.

Accordingly, DHS and Federal statistical agencies have developed a Memorandum of Agreement for the installation of Einstein cybersecurity protection technology to monitor their Internet traffic.

NSF is providing this notice to alert the public in an efficient and coordinated fashion that it is revising its confidentiality pledge. Below is a listing of the current numbers and information collection titles for those NSF programs whose confidentiality pledges will change to reflect the statutory implementation of DHS' Einstein monitoring for cybersecurity protection purposes.

Therefore, the National Science Foundation is providing this notice to alert the public to these confidentiality pledge revisions in an efficient and coordinated fashion. Table 1 below contains a listing of NSF's current PRA OMB numbers and information collection titles and their associated revised confidentiality pledges for the Information

Collections whose confidentiality pledges will change to reflect the statutory implementations of DHS' Einstein 3A monitoring for cybersecurity protection purposes. For the Information Collections listed in the table below, NSF statistical confidentiality pledges will be modified to include the following sentence, "Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data."

Table 1. Current PRA OMB numbers, expiration dates, and information collection titles included in this Notice.

OMB Control Number	Expiration Date	Information Collection Title
3145-0101	08/31/2018	Survey of Science and Engineering Research Facilities
3145-0019*	05/31/2018	Survey of Earned Doctorates
3145-0020	08/31/2018	Survey of Doctorate Recipients
3145-0100*	09/30/2019	Higher Education R&D Survey
3145-0141**	05/31/2018	National Survey of College Graduates
3145-0174*	07/31/2019	Generic Clearance of Survey Improvement Projects...
3145-0235	06/30/2017	Early Career Doctorates Survey

* Indicates information collections that are expected to be in the field during the period covered by the 6-month emergency clearance.

** This information collection was also named in a Federal Register Notice from the U.S. Census Bureau (81 FR 94321), since that agency collects data on NSF's behalf.

Dated: February 2, 2017

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Reports Clearance Officer,

National Science Foundation.

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